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March 18, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Rm TWB 204
Washington, DC 20554

Re: *CC Docket No. 96-115, FCC 96-221, Telecommunications Carriers' Use of
Customer Proprietary Network Information and Other Customer Information*

Dear Secretary Salas:

We write on behalf of INFONXX, a competitive directory assistance provider, in connection with the Commission's consideration of rules to implement Section 222(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. INFONXX submits this *ex parte* filing to elaborate on its prior submissions and to highlight the competitive and consumer impact of this rulemaking. As explained in the attached white paper, the plain meaning of Section 222(e) and its underlying purpose both advise an interpretation of this provision that (1) mandates access to subscriber listing information to competitive directory assistance companies; and (2) specifies that nondiscriminatory access requires that competitive directory assistance providers be placed on the same footing as their competitors. By adopting such an interpretation, the Commission will follow Congress's intent, and its consistent practice, by construing the Telecom Act's provisions to facilitate full and fair competition in all telecommunications markets.

As emphasized in the attached paper, competitive directory assistance providers have provided a powerful force for innovation and lower prices in the directory assistance (DA) market. If one looks at all of the customer-friendly innovative features introduced in the DA market over the last five years, such as automatic call completion, national directory assistance, and searches without knowing the specific locality/city, every one was created by a competitive DA provider. Consumers also have benefited from price competition: since 1992, the price of long distance DA from the major carriers has risen from \$0.55 per call to \$1.40, whereas a competitor such as INFONXX charges \$0.45 per call. These benefits will not continue to flow to consumers unless the Commission ensures timely access to accurate subscriber list information at reasonable rates. As

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demonstrated in the attached paper, the anti-competitive behavior of the ILECs by denying access to SLI have resulted in competing DA providers giving consumers nearly 40 million wrong numbers last year. The Commission can stop this anti-competitive and anti-consumer behavior by establishing a rule in this proceeding mandating timely and accurate access by competitive DA providers to SLI at reasonable rates, terms and conditions.

Thank you for your attention to this important issue. If you have any questions, please direct them to the undersigned.

Sincerely,

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March 18, 1999

cc: Service List

THE PROMISE OF SECTION 222(e): FULL AND FAIR COMPETITION FOR THE PROVISION OF COMPETITIVE DIRECTORY ASSISTANCE

One of the last telecommunications markets to move towards competition has been directory assistance. In 1992, INFONXX, Inc. opened for business with five employees – the two founders and three telephone operators – and a realization that directory assistance, like customer premises equipment, long distance, and local exchange, could be provided by an alternative to the incumbent monopoly. INFONXX was the first company to challenge an incumbent provider in this market and many retail customers, mostly large businesses, welcomed the opportunity to switch to an alternate provider who could deliver directory assistance (DA) services at higher quality and better prices. More recently, INFONXX has become a “carriers’ carrier” for directory assistance, providing DA services to a wide array of cellular carriers, including Airtouch and Bell Atlantic Mobile, as well as to competitive local exchange carriers such as Teleport. Today, INFONXX has 800 employees, operates four call centers, handles 75-100 million calls per year and provides service in seventy major markets around the country.

To date, INFONXX has grown while constantly fighting an uphill battle against the incumbent local exchange carriers (ILECs). Despite INFONXX’s inferior access to subscriber listing information – i.e., having to use less accurate data and/or pay inflated prices – it has been able to remain competitive with the ILECs because of its innovative offerings, such as call completion at no additional charge, and superior levels of performance by its operators. The ILECs, however, are using their preferred position to make strides in matching INFONXX in the marketplace, while steadfastly refusing to provide INFONXX with a level playing field in terms of access to the subscriber list information (SLI). That is, while the ILECs maintains a current database that it provides to itself at incremental cost, they continue to deny such access to INFONXX and seek avenues of delay when INFONXX presses for such access in state regulatory proceedings. Although two states have moved ahead to recognize INFONXX’s right to such information,¹ the ILECs have made every effort to delay the implementation of these orders. Consequently, federal action can play a critical role in facilitating competition in the directory assistance marketplace.

Section 222(e) Calls for A Level Playing Field In the Directory Assistance Market

In enacting the Telecom Act, Congress sought to “provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by

¹ See Order Regarding Directory Database Issues, Case 94-C-0095, 187 P.U.R.4th 345, 347 (N.Y.P.S.C. July 22, 1998) (text was submitted as attachment to Association of Directory Publishers’ October 21, 1998 ex parte) (“Offering directory database information on an equal basis to all telephone service providers and other companies, to be used for providing directory assistance or publishing a directory, will promote competition and help to level the playing field for producing directories and providing DA, thereby promoting better service at just and reasonable rates.”); Order Instituting An Investigation on the Commission’s Own Motion Into Competition for Local Exchange Service, R. 95-04-043 (Cal. PUC Jan. 24, 1997) (“Independent directory publishers should be provided with the same updated information for published residential addresses on the same terms and conditions as the information to the LEC directory affiliates.”).

opening all telecommunications markets to competition."² This overarching vision has guided the Commission as it has implemented the series of pro-competitive provisions set forth in the Act. A hallmark of these provisions is the mandate that all telecommunications markets shall be opened to full and fair competition, so that providers can compete on the basis of superior products and services and not on the basis of a playing field that is tilted in their favor.

Historically, customers have accessed directories of subscriber listing information through one of two means: (1) written publications; or (2) live operators who responded to specific requests. Both segments of directory publishing – written directories and directory assistance – have witnessed the introduction of competition, but both have been and continue to be hampered by the ILECs' policies related to gaining access to the subscriber listing information. As ILECs have recognized, such information is "vital to the publishing industry" and by raising prices of access, "telephone companies are able to leverage their monopoly position in the telephone service area into the competitive directory market." Great Western Directories, Inc. v. Southwestern Bell Telephone Co., 63 F.3d 1378, 1386 (5th Cir. 1995). Recognizing that anticompetitive "leverage" of monopoly power due to the ILECs' role as the repository of subscriber listing information (SLI) would frustrate the Telecom Act's vision for full and fair competition in all markets, Congress passed Section 222(e) of the Telecom Act, which provides a national mandate for non-discriminatory and reasonable access to SLI by directory publishers "in any format."

Section 222(e) states in relevant part:

A telecommunications carrier that provides telephone exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories *in any format*.

47 U.S.C. Sec. 222(e) (emphasis added). In considering the scope of this mandate, the Commission must determine whether directories made available through live operators fall within the statutory definition. The first step in this determination is to examine the plain meaning of the statutory text and to give it its full effect. See FDIC v. Meyer, 510 U.S. 471, 476 (1994) (courts must "construe a statutory term in accordance with its ordinary or natural meaning."); Pioneer Investment Servs. Co. v. Brunswick Assoc. Ltd. Partnership, 507 U.S. 380, 388 (1993) (courts must assume that Congress intended for its words to be given "'their ordinary, contemporary, common meaning.'") (quoting Perrin v. United States, 444 U.S. 37, 42 (1979)). In this case, the meaning of the statute is clear and the inquiry can end there, as the Act calls for a broad definition of eligible providers by including directories published "in any format." See, e.g., MCI Telecommunications Corp. v. AT&T Corp., 512 U.S. 218, 225-26 (1994) (where plain

²See S. CONF. REP. NO. 104-230, 104th Cong., 2d Sess. 113 (1996) (Joint Explanatory Statement of the Committee of Conference).

meaning and definitions contained in numerous dictionaries define a statutory term, the inquiry ends there). Thus, all directory "publishers" – regardless of how they transmit the subscriber list information (SLI) – must be provided access to the ILECs' SLI under nondiscriminatory and reasonable rates, terms, and conditions.³

If the Commission has any doubt as to whether "publish in any format" should include not only written directories, but also live operated ones,⁴ the Commission should look beyond the specific statutory language to "the design of the statute as a whole and to its object and policy." Crandon v. United States, 494 U.S. 152, 158 (1990). In so doing, the Commission will give effect to Congress' intent in passing the Telecom Act, which is the "ultimate touchstone" in statutory interpretation. Ingersoll-Rand, Co. v. McClendon, 498 U.S. 133, 138 (1990). And since the mission of the Telecom Act, as the Commission has often-repeated, is to "open all telecommunications markets to competition," the Commission should construe section 222(e) in light of this basic statutory purpose.

"Non-Discriminatory" Access Requires That Competitive DA Providers Receive Subscriber Listing Information on the Same Terms and Conditions As Its Competitors

Section 222(e) not only provides all publishers with a right of access to SLI, it also mandates that such access shall be non-discriminatory. By non-discriminatory, the Act makes clear that it "shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for in connection with like communication service, directly or indirectly, . . . or subject any [entity] to any undue or unreasonable prejudice or disadvantage." 47 U.S.C. Sec. 202. Put simply, the Act's non-discrimination mandate requires that similarly situated providers or purchasers of access to a service or facility be treated similarly. With respect to publishers of printed directories, this mandate can be implemented solely with an eye on Section 222(e), as all entities in that market will purchase access to the subscriber listing information pursuant to that provision. With respect to live-operated directories, however, the Commission must implement the non-discrimination mandate with reference to the other entities who are in that market and also acquiring access to subscriber listing information.

As INFONXX has explained in its prior filings, the competitive directory assistance market consists of three types of providers: (1) the incumbent local exchange carrier; (2) major competitive local exchange carriers (namely, AT&T and MCI); and (3) competitive directory

³ As we related in our prior filings, both the dictionary definitions and standard usage of the term "publish" embrace a broader meaning – even without the emphasis on "in any format" – than the written form. See, e.g., Webster's New World Dictionary 1087 (3d coll. ed. 1988) (defining "publish" as "to make publicly known; announce, proclaim, divulge or promulgate"); 2 Compact Edition of the Oxford Dictionary 1561-62 (1971) (explaining that one "publishes" information by making it "generally known," or by "tell[ing]," or "mak[ing] generally accessible or available for acceptance or use"); Black's Law Dictionary 1233 (6th ed. 1990) (to "publish" information is "to utter" it); Gertz v. Welch, 418 U.S. 323, 332 (1974) (both a newspaper (in print) and a broadcaster (in oral form) can commit libel by "publish[ing] defamatory falsehoods about an individual.").

⁴ By definition, directory assistance companies provide access to "directories." Thus, if "publish" is defined to include oral transmission, it follows inexorably that directory assistance companies publish directories.

assistance providers (such as INFONXX). Under the Act, the ILEC and CLECs are provided with cost-based access to subscriber listing information under section 251 in order to compete in the directory assistance market. Although all of the CLECs are entitled to such access, only the major ones (i.e., AT&T and MCI) have been able to take the necessary steps (e.g., set up call centers) to enter the directory assistance business. Thus, in order for the independent directory assistance companies to be competitive – and to be on a non-discriminatory playing field – with the ILECs and the major CLECs, they also must be given the same type of access to subscriber listing information, i.e., pursuant to the terms called for by section 251. Any less would be discriminatory and would frustrate Section 222(e) – and the Act’s – vision of full and fair competition in the market for publishing directories by setting rules of the road that facilitated an oligopolistic market for directory assistance.

Equal Access To Subscriber Listings Is Imperative To The Future of Full and Fair Competition in Directory Assistance

Of the companies that are interested in serving wholesale customers – i.e., serving as a “carriers’ carrier” for CLECs and cellular providers – INFONXX is one of only a small number willing and able to do so. To our knowledge, there are at least four other companies across the country – in addition to INFONXX – which are presently providing competitive directory assistance services:

- Metro One Telecommunications – Portland, OR
- Teltrust – Salt Lake City, UT
- Hebcom – Philadelphia, PA (majority owned by Comcast)
- Excel Agent Services – Phoenix, AZ

As the regulatory landscape presently stands, AT&T and MCI enjoy an advantage over these companies by virtue of their access to subscriber listings under the terms provided for under section 251. The preferred position of the major CLECs does not rest, however, on the fact that they are serving local customers. In fact, the markets served by AT&T and MCI are largely – if not almost entirely – non-CLEC customers.⁵ Indeed, in the current regulatory environment, companies like INFONXX and Excel can serve CLEC customers – often as a carriers’ carrier – in greater numbers than AT&T or MCI, but be forced to pay well above the rates charged to them and to rely on less accurate data. To remedy this situation, and to ensure that independent providers and “carriers’ carriers” can grow in this important segment of the telecom market, the Commission should make clear that Section 222(e) provides such companies with access to subscriber listing information on the same terms and conditions as provided to the major CLECs under Section 251.

⁵ Both companies are, for example, using these capabilities and their access to the data to launch national branded dial around DA services -- AT&T (00 Info and 10-10-ATT-00) & MCI (10-10-9000) -- as well as for NPA-555-1212 calls dialed on their network.

As noted above, the ILECs have always enjoyed an unfair advantage due to their monopoly position in the local exchange. In particular, the incumbents have leveraged their local monopoly into the following competitive advantages:

- Free, perfect data which also reduces call processing times and labor costs
- No need to pay for telecom network infrastructure because it was already in place for other purposes
- Higher volume due to their position as the incumbent 411 provider thereby allowing for lower labor costs due to the ability to achieve greater occupancy rates (% of time an operator is on a call vs. sitting idle – ILECs achieve 92-95%, competitive DA providers 75-85%)
- No billing costs due to the fact that they are already billing customers for basic phone service
- The ability to use a single data source rather than having to look in multiple databases on each call

These advantages conferred on the basis of a monopoly in the local exchange manifested themselves economically as follows:

- The average ILEC call processing time is 18 seconds vs. 35 seconds for competitive providers. Significantly, labor represents approximately 75% of the incremental cost of handling a DA call if you are required to pay for data and telecommunications costs (which the ILECs are not). Thus, by being 50% faster, the ILECs have a 35-40% cost advantage based on labor alone.
- By getting the subscriber listings at their incremental cost, the ILECs avoid approximately \$0.045 per call of data cost. This represents 17% of the cost structure, giving them another 17% advantage.
- By utilizing their existing telecom infrastructure for 411 calls, the ILECs enjoy another \$0.025 per call (10%) advantage in cost.
- Thus, the ILECs enjoy a cost advantage of approximately 60% per call.

As a result of these historic disadvantages, INFONXX and other competitive DA providers have had to compete by developing innovative features and services and by providing better customer service. If one looks at all of the customer focused innovative DA features introduced over the last 5 years, every one was created by INFONXX or another competitive DA provider. These features include:

- National Directory assistance through a single number
 - Enhanced information services through 411 such as Movie Listings (what's playing at a particular theater or where is a particular movie playing) and showtimes, weather, local event information, restaurant guide information
 - The ability to get zip codes
-

- The ability to search for a listing without knowing the specific locality/city
- Yellow page searches
- Free call completion (bundled service)
- Return to operator functions (press * after your call is completed and you are reconnected to a DA operator)
- The ability to get the number you were connected to at the end of your call (i.e. after speaking to the party you were connected to)
- The ability to leave a message for a party you are connected to by the DA operator if there is no answer
- The ability to automatically be returned to an operator in the event that you are connected to a busy or ring no answer
- The ability to have the operator stay on the call when they connect you and wait until you tell them to drop
- The ability to access your personal rolodex by calling 411
- The ability for corporations to make their corporate directories available to their employees through 411
- The ability to get driving directions from a 411 operator

In contrast, the innovations introduced by the LECs have been customer-unfriendly in that they have increased the call time for a customer but reduced it for the LEC operator. These include (i) automatic reading out of the number by a VRU rather than the operator; and (ii) automated greeting of the caller and recording of the "What City" and "What Listing" information.

As with other segments of the telecommunications marketplace (e.g., CPE, long distance, etc.), the introduction of competition into directory assistance has greatly benefited consumers. By competing with the incumbents, INFONXX and other competitive DA providers have raised the customer service standards in the industry. The presence of a helpful friendly voice on the other end of the phone calls staffed by competitive providers, for example, forced the ILECs to launch a major customer service retraining programs for their operators in the last 2 years. In addition, the competitive providers have also raised customer service standards by agreeing to live by performance standards in excess of what the ILECs have agreed to historically. Some of these innovative standards include hourly answer time and abandonment standards (vs. daily or monthly); customer satisfaction standards; and quality (accuracy) guarantees.

As technology and new nation-wide services transform the directory assistance marketplace, and the ILECs catch up to some of the competition's past innovations, it is becoming increasingly important that competitive providers like INFONXX be granted equal access to the subscriber listing information. Without such access, INFONXX's ability to compete will be jeopardized, customers will lose the opportunity to choose from multiple providers, and competitors like INFONXX will not be around to keep prices down and bring new services to market.

To take just one example of how this phenomenon is playing out, it is worth examining the deployment of national DA service through 411 by several of the major ILECs, including Bell Atlantic, US West, Sprint, BellSouth, Ameritech & GTE. These services, while highly successful,⁶ are difficult for INFONXX to deploy without the type of access given to the major CLECs or the ILECs (which have agreed to give each other access to the subscriber listing information at reasonable rates).

As a result of the developments described above, when INFONXX competes for business as a carriers' carrier, whether it be for an affiliate of a Bell Company (e.g., Bell Atlantic Mobile), an independent company (e.g., Airtouch), or a CLEC (e.g., Teleport), it will increasingly be at unfair competitive disadvantage if it is not able to match these services on either price or accuracy (due to the inferior access to subscriber listing information). And given that the current regulatory environment allows the ILECs to raise their rivals costs for accessing essential inputs - the subscriber list information -- to the tune of over 60%, it is critical that the Commission take action to create a level playing field where the best product and not the leveraging of monopoly power will win out.

Providing Equal Access To Subscriber Listing Information Will Greatly Benefit Consumers of Competitive Directory Assistance Services

The inability of INFONXX and other competitive DA providers to get equal access to subscriber listing information affects telephone customers in three basic ways: (1) customers receive wrong numbers as a result of INFONXX and other competitive DA providers not being able to use the LEC database as their primary data source; (2) customers are charged higher prices because competitive providers are at a significant cost disadvantage; and (3) customer-focused innovation will be dramatically reduced if competitive providers are unable to survive because they cannot access the subscriber listing information at non-discriminatory rates, terms, and conditions. We will address each in turn.

Quality

In 1999, competitive DA providers will handle approximately 400 million directory assistance calls. INFONXX will handle approximately 100 million of these calls. As the industry's quality leader, INFONXX will achieve 93-95% accuracy rates. Thus, customers of INFONXX will receive approximately 5 million wrong numbers when they call 411 this year. If one extrapolates INFONXX's industry leading quality rate out to the rest of the industry, there will be approximately 20 million wrong numbers provided to consumers in 1999. However, if one uses the industry average rate, which is closer to 88-90%, *then consumers will be given closer to 40 million wrong numbers per year.*

Virtually all of the errors made by INFONXX operators are due to database issues. More importantly, in order to get additional business from wireless carriers INFONXX is now in a position where it is being required to purchase the LEC data at whatever price it is offered or it is not being allowed to bid for new business. This places INFONXX at an even greater cost

⁶ Reportedly, Bell Atlantic has generated one million national DA calls through 411 in its first 5 weeks of service in NY and VA.

disadvantage because we are being forced to incur data costs that are beyond what we are currently spending just to be allowed to compete.

Prices/Costs

The presence of competitive directory assistance providers is critical to ensuring that consumers get fair prices. Incumbent carriers consistently raise prices at every opportunity. The case of long distance directory assistance is a case in point. Since 1992 the price of a long distance directory assistance call from the major interchange carriers -- who are also the major CLECs --has **risen from \$0.55 per call to \$1.40 per call**. In contrast, INFONXX charges \$0.45 per call.

As opposed to the ILECs and the major CLECs, the cost disadvantage that competitive DA providers must endure results in higher prices to consumers. INFONXX will incur approximately \$10-15 million in costs in 1999 that are a result of not having access to the ILECs' SLI as its primary data source. This inflates prices to consumers by limiting INFONXX's ability to compete with the ILECs -- and the major CLECs -- on price and also threatens INFONXX's survival. In addition, consumers also pay more to use competitive DA providers because they are spending more time on the phone. In the wireless environment, the average cost per minute paid by callers is approximately \$0.25. At an average of 20 additional seconds per call (the average DA handle time for competitive DA providers is approximately 40 seconds), consumers will spend an extra 67 million minutes over the course of 200 million wireless directory assistance calls which are handled by competitive DA providers. This equates to an additional \$17 million of airtime costs borne by consumers.

Innovation

By looking at the history of innovation in the DA industry set forth in detail above, it is clear that if competitive DA providers do not exist, there will be little innovation in the industry that benefits consumers.

Action By The Commission Will Bring Needed Structure to The Wholesale Market For Access To Subscriber Listing Information

At present, incumbent pricing policies for subscriber listing information given to DA providers varies considerably and is far out of line with the standard required by section 251 for CLECs. Some companies, such as Roseville Telephone Company, charge particularly egregious rates -- \$.50 per listing and \$.50 per listing update. With the exception of Bell Atlantic in New York, which should soon be making available the subscriber listing information at reasonable rates, other Bell Companies and GTE are charge discriminatory rates that put the competitive directory assistance providers at a distinctly unfair disadvantage. In examining these prices (set out below), it is worth noting that INFONXX pays its non-ILEC data suppliers a \$0.015 royalty every time INFONXX gives out one of their numbers -- significantly less than any ILEC charges with no per listing or up front charges.

	Per Listing Initial	Per Listing Update	Per # Given Out Royalty
Pac Bell	0.020	0.020	0.050 *
US West	0.050	0.060	0.000
GTE	\$700 / AC	0.017	0.000 *
Ameritech	0.050	0.060	0.000 *
Ameritech (plan 2)	0.020	0.030	0.030 *
SWBT	0.059	0.059	0.000
Bell South	0.000	\$150 / month	0.035

* Pay for both a delete and an insert on a change (I.e. we are charged twice)

It should also be noted that the absence of standards and a non-discrimination requirement enables ILECs to play many games when selling subscriber listings. These games include:

- Charging twice for a change in a listing (it counts as an add and a delete)
- Charging for duplicates. We will be sent many listings more than once. Often this is a result of the fact that the ILECs organize their databases by phone book and many listings appear in multiple phone books. Thus, when they send us the data, we get duplicates. We find that this practice inflates the number of listings we are paying for by 10-20%
- Charging for listings that do not change. If a listing is part of a caption listing and one listing in the caption changes, then we are forced to pay for a delete of all of the listings in the caption and an add for all of the listings. An example is a university that has 600 departmental listings. If they change the number for one department, we are forced to buy all 600 over again.

Finally, on top of inflated costs and discriminatory practices, we also have faced serious difficulties in getting proper test tapes etc. when looking to purchase a new data set. Because they are often not subject to any non-discriminatory mandate, many ILECs refuse to set up an electronic transfer method that they may already use internally and that would reduce the cost and time required to send updates. Rather, they will insist on sending magnetic tapes and not provide the level of timely access that they provide to their own DA services.

* * * *

If the Commission is not prepared to rectify this situation at this time -- i.e., by making clear that Section 222(e)'s non-discriminatory mandate gives competitive directory assistance providers the same right to the subscriber data used for live operated directories as that provided to major CLECs under Section 251(b) -- it should, at a minimum, recognize that Section 222(e)'s protections extend to live operated directories and that the rate provided to written publishers under Section 222(e) may constitute a ceiling for live operated directories, but that a different

(and lower) cost structure may well be justified for them. This recognition would comport with the basic reality that the appropriate benchmarks for assessing discrimination are the rates provided to the incumbent providers' own DA operation as well as those rates provided to major CLECs, which are competitors of companies like INFONXX.⁷ It will also highlight that the Commission is committed to giving Section 222(e) its most natural and pro-competitive reading. To do any less would compromise the emergence of full and fair competition in this marketplace and subject consumers to increased costs, delays, and inaccurate directory assistance information.

CONCLUSION

This rulemaking comes at an important time in the development of a vibrant, competitive directory assistance segment of the telecommunications industry. At present, the major CLECs and the ILECs are positioned in a preferable regulatory situation that can threaten the pro-competitive and pro-consumer benefits that a level playing field will bring to American consumers. We urge the Commission to adopt a rule that gives competitive DA providers fair and reasonable access to essential subscriber list information.

⁷ This ruling would also acknowledge that state commissions like New York have already instituted very different cost structures for directory assistance providers than print publishers. Indeed, it is worth noting that the cost study submitted by Bell Atlantic in New York recognizes this important distinction – proposing a per-listing rate for print publishers and a one-time and recurring rate for access to the database to be used by live operated directories and CLECs interested in using the data for directory assistance.

CERTIFICATE OF SERVICE

On March 18, 1999, a copy of these comments were
delivered by hand to the following persons:

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